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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Seguin et al. GROUP: 2876  
SERIAL NO: 10/056,352 EXAMINER: Koyama, Kumiko C.  
FILED: January 24, 2002  
FOR: TEST TUBE WITH DATA MATRIX CODE MARKINGS

Mail Stop Appeal Briefs  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REPLY TO EXAMINER'S ANSWER

Pursuant to 37 C.F.R. §1.193(b)(1), Appellants respectfully reply to the Examiner's Answer dated June 25, 2004.

Claim 22 recites the following:

A test tube, comprising:  
a tube body of unitary construction comprising an enclosed sidewall and an integral bottom that together define a tubular container having an open top, wherein said bottom has an exterior surface upon which machine readable data is encoded within an opaque coating deposited onto said exterior surface to uniquely identify said test tube. [cl. 22, emphasis added]

Thus, claim 22 requires a tubular container that is defined, in part, by an integral bottom having an exterior surface on which an opaque coating is deposited, with machine readable data encoded within that coating.

To support the obviousness rejection of claim 22, the Examiner contends that the carrier part 6 of Wijnschenk corresponds to the integral bottom of the present invention as defined in claim 22. See pg. 7 of the Examiner's Answer. However, a proper reading of Wijnschenk et al. reveals that the carrier part 6 is not the bottom of a tubular container but is in fact a component that is separate from

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Noted